

01/21/2004
02/09/2004

8-O-04

AN ORDINANCE

**Vacating a Portion of Isabella Street (a public street)
East of Sheridan Road To An Abutting Owner**

WHEREAS, Charles A. Lewis and Penny Bender Sebring (hereinafter referred to as Lewis/Sebring) have requested the vacation of a portion of Isabella Street in the City of Evanston, Illinois; and

WHEREAS, this portion of Isabella Street lies east of Sheridan Road and west of Lake Michigan and is an unopened right-of-way; and

WHEREAS, this right-of-way serves no public purpose; and

WHEREAS, Lewis/Sebring have entered into a contract to purchase 2735 Sheridan Road (Permanent Index Number 05-35-404-014-0000), a portion of which lies south of and adjacent to the subject unopened right-of-way; and

WHEREAS, Lewis/Sebring desire to create an open, landscaped area by acquiring the vacated property, incorporating it into 2735 Sheridan Road, and placing certain covenants upon it to prohibit construction or development; and

WHEREAS, Lewis/Sebring will add the subject area into their lawn and do hereby agree to provide a high level of maintenance of the trees and landscaping;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the certain portion of the public street (Isabella Street) east of Sheridan Road legally described as:

ALL THAT PART OF ISABELLA STREET LYING EAST OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF ISABELLA STREET 77.00 FEET EAST OF THE SOUTHEAST CORNER OF SHERIDAN ROAD, BEING THE NORTHWEST CORNER OF LOT 1 IN SATTER'S CONSOLIDATION OF LOTS 1 AND 2 IN SHRAWER'S RESUBDIVISION OF LOT 1 AND NORTH 56 FEET OF LOT 2 IN BLOCK 4 OF CHARLES E. BROW'S LAKE GROVE ADDITION TO EVANSTON, IN THE SOUTH PART OF OUILMETTE RESERVATION, IN SECTION 35 IN TOWNSHIP 42 NORTH, RANGE THIRTEEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, ON COOK COUNTY, ILLINOIS.

As indicated by the words "hereby vacated" on the Plat of Vacation attached to and incorporated into this ordinance, be and the same is hereby vacated and closed, inasmuch as the corporate authorities of the City of Evanston have determined that the public interest will be served by the aforesaid vacation, provided that said vacation shall be subject to the following terms and conditions:

1. That said vacation shall be subject to the usual easements for public utilities, including, but not limited to, such rights-of-way, license and easement rights to such equipment as is presently installed and located on those portions of the public right-of-way hereby closed and the rights of ingress and egress for the maintenance, renewal and reconstruction thereof.
2. That said vacated property shall be conveyed to Lewis/Sebring upon their payment to the City of Evanston the sum of \$550,000.00 and their acquisition of title to 2735 Sheridan Road.
3. That Lewis/Sebring shall deliver to First American Title Insurance Company the "Declaration of Protective Covenants and Conditions by Lewis-Sebring for the Benefit of

the City of Evanston" with instructions to record it as soon as title transfers to Lewis/Sebring.

4. That in the event of litigation, Lewis/Sebring will hold the City of Evanston harmless and defend it against any lawsuits resulting from the subject vacation.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 26, 2004

Adopted: February 9, 2004

Approved: February 10, 2004
Lorraine H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

Ayes 9

Nays 0